



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Arvin ESPINOZA-Morales,

Defendant.

) Mag. Case No. **'08 MJ 8284**
)
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1326
) Deported Alien Found In the United States
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)
)
)

The undersigned complainant, being duly sworn, states:

On or about March 4, 2008, within the Southern District of California, defendant Arvin ESPINOZA-Morales, an alien, who previously had been excluded, deported, or removed from the United States to Nicaragua was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


MARCO A. MIRANDA
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 2nd DAY OF APRIL 2008.


PETER C. LEWIS
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Arvin ESPINOZA-Morales

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the
6 apprehending Border Patrol Agent, G. Powers, that the Defendant was found and arrested on
7 March 4, 2008 east of the Calexico, California Port of Entry.

8 BPA Powers was performing his assigned Border Patrol duties approximately 3.5 miles
9 east of Calexico, California. The Remote Video Surveillance Operator informed Agent Powers
10 that the individual was observed making an illegal entry approximately 3.5 miles east of
11 Calexico, California. Agent Powers responded to the area, and found an individual later
12 identified as, Arvin ESPINOZA-Morales. Agent Powers identified himself as a United States
13 Border Patrol Agent and questioned ESPINOZA as to his immigration status to be in the United
14 States. ESPINOZA stated he was a citizen of Mexico and illegally in the United States.
15 ESPINOZA was placed under arrest.

16 At the station, record checks revealed ESPINOZA is a citizen of Nicaragua. Record
17 checks further revealed an Immigration Judge ordered ESPINOZA deported to Nicaragua from
18 the United States on October 29, 1997. Record checks also revealed that ESPINOZA has an
19 extensive criminal history.

20 There is no evidence ESPINOZA has sought or received permission from the Attorney
21 General or the Secretary of the Department of Homeland Security to re-enter the United States.
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